

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES A. MORNING,

Defendant.

No. 94-CR-30013-WDS

ORDER

Before the Court is defendant's motion for retroactive application of the Advisory Sentencing Guidelines pursuant to the 2011 amendments (Doc. 173). The Court appointed Assistant Federal Public Defender Daniel Cronin to represent the defendant. He now seeks to withdraw because the defendant is not eligible for the relief he seeks as he is currently serving a sentence at the mandatory statutory minimum (Doc. 178).

The defendant was sentenced, after a jury trial, to a total of 324 months imprisonment on his convictions of conspiracy to possess with intent to distribute crack cocaine in violation of 21 U.S.C. §846, possession with intent to distribute crack cocaine in violation of 21 U.S.C. §841(a)(1), and possession of a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. §924(c). *United States v. Morning*, 94-CR-30013. In 2009 the Court reduced his sentence pursuant to 18 U.S.C. § 3582 to a mandatory minimum term of imprisonment of 300 months consisting of 240 months on each of Counts 1 and 2, to run concurrently to one another, and 60 months on Count 3 to run consecutively to the term of imprisonment on Counts 1 and 2.

Upon review of the record, the Court **FINDS** that the defendant is not entitled to the relief he seeks as the various amendments to the Advisory Sentencing Guidelines do not result in any further entitlement to reductions. The defendant faces mandatory minimum term of 240 months on

Counts 1 and 2 and a consecutive term of 60 months on Count 3, which is his current sentence. Accordingly, the defendant's motion for retroactive application of the Advisory Sentencing Guidelines (Doc. 173) is **DENIED** as the relief he seeks is not available under any of the amendments to the Sentencing Guideline range. Counsel's motion to withdraw (Doc. 178) is **GRANTED**.

IT IS SO ORDERED.

DATE: 05 October, 2012

s/ WILLIAM D. STIEHL
DISTRICT JUDGE